

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: **PERSON**

Serial No.: **09/933,528**

Filing Date: **August 20, 2001**

Examiner: **Brusca, John S.**

Title: **Region Definition Procedure and Creation of a Repeat Sequence File**

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Date

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Response to Office Action Dated July 23, 2004

This is a reply to the Office Action mailed July 23, 2004. Please enter the following amendments and remarks into the record.

Official Copy of the Claims

The Examiner noted that the response filed 16 June 2004 contains a marked up copy of the claims as required by 37 CFR 1.121 and in addition contains an unnecessary unmarked copy of the claims that will not be considered to be the official copy of the claims. A copy of the claims as amended is included in this response.

Priority

The Examiner has noted that the applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e).

Applicant intends to claim the benefit of U.S. Provisional Application No. 60/227099. The specification is amended to refer to the above application and requests that the claim for benefit be recognized.

Sequence ID References

The Examiner notes that several nucleotide sequences appear in the specification in figure 3 that are not properly identified. The sequences listed in Figure 2 already are disclosed in the Sequence Listing filed 7 March, 2003. The specification has been amended to show reference to the appropriate Sequence ID No. in the Brief Description of the drawings per the Examiner's recommendation.

Antecedent Basis for Claims 10-15 and 17

The Examiner has objected to claims 10-15 as having no or improper antecedent basis in the specification. The base claims do not identify any particular source of nucleic acid, and therefore encompass all such sources, obviating the need for references to specific organism sources. Therefore, claims 10-15 are cancelled, removing this basis of objection to as to these claims. Applicant is also canceling claim 17 in view of the Examiner's objection and rejection of this claim under § 112 first paragraph.

Amendment of Specification

1. The Examiner is requested to amend the specification to read, "The Applicant claims the benefit of its priority U.S. Provisional Application No. 60/227,099 filed August 22, 2000."